Criminal Miscellaneous Application no. 34 of 2003

Dr. Tej Pal Saini ---------- Petitioner

Versus

State of Uttaranchal and another---------- Respondent

Hon'ble M.M. Ghildiyal J

This is a petition under section 482 of the Code of Criminal Procedure, 1908 (for the short "Code") for setting aside the impugned order dated 11.11.20002 passed by Additional Sessions Judge/II Fast Track Court, Haridwar whereby the application preferred on behalf of the State/prosecution under section 312 of the Code was rejected.

Heard Sri J.P.Joshi learned counsel for the petitioner and learned Additional Government Advocate.

The learned counsel for the petitioner has submitted that the controversy has already been settled by this Hon'ble court in criminal miscellaneous petition no.360 of 2002 Dr.Rajpal Saini & others Vs. State of Uttaranchal and others on 23.11.2002. In the aforesaid case Hon'ble Court directed the Additional Sessions Judge to hear and decide afresh the application under section 321 of the Code for withdrawal of the prosecution after hearing the parties. This petition is as such decided in terms of the judgment in the case of Dr. Rajpal Saini and others.

(M.M. Ghildiyal, J.)

March 07, 2003.